

Amendment
Serial No. 09/996,221

DRAFT

Remarks

All claims were rejected in the action.

After entry of the foregoing amendments claims 27, 28, 29 and 30 remain pending.

Original drawing Fig. 2 is amended above to be relabeled as drawing Fig. 3, and original drawing Fig. 3 is amended above to be relabeled as drawing Fig. 2. These amendments are made to properly coincide with the description in the specification.

Claims 27-30

Claims 27 and 28 have each been amended to incorporate the limitations of claim 1, with a slight modification to the wording of the "at least one actuator" clause made for clarity. Claims 29 and 30 have each been amended to incorporate the limitations of claim 12.

Notably, each of these claims requires that the one end of a conveyor be moved along a laterally extending axis, while the other end of the conveyor remains stationary. An example of such a construction is shown in original Fig. 2 (now relabeled as Fig. 3).

In rejecting claims 27-30 the action cites the combination of Whitby '787, Remensperger and Gotthardt et al., and specifically cites Gotthardt et al. as providing the teaching of moving an output end of a first conveyor while an input end of the first conveyor remains stationary. However, in making this rejection the examiner overlooks a critical feature of claims 27-30 that is not found in Gotthardt et al. or the other art relied upon. In particular, each of claims 27-30 requires that the end of the conveyor be moved "along a laterally extending axis" as reflected in the embodiment of original Fig. 2 (now relabeled as Fig. 3), meaning that the orientation of the end of the conveyor does not change. In contrast, the end of the conveyor in Gotthardt et al does not move along such an axis as demonstrated by the fact that the orientation of the axis of the

Amendment
Serial No. 09/996,221

DRAFT

output end of the conveyor changes during movement of the conveyor. Thus, the combination of Whitby '787, Remensperger and Gathhardt et al. does not make out a *prima facie* case of obviousness of claims 27-30.

With respect to the 112 rejection of claim 28, applicants disagree with the examiner's interpretation of the claim, and have amended the claim slightly for clarity. In particular, claim 28 does not require that the actuator be associated with the input end of the second conveyor while connected to the output end of the first conveyor. While claim 28 states that the actuator controls "a relative lateral position between the output end of the first conveyor and the input end of the second conveyor," this language does not require that the actuator be associated with the output end of the first conveyor. Withdrawal of the 112 rejection is therefore requested.

Conclusion

In view of the foregoing, applicants respectfully request allowance of all of pending claims 27-30.

If the Examiner wishes to discuss any aspect of this Amendment, please contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,
DRAFT DRAFT DRAFT

Date: _____

Michael J. Nieberding
Reg. No. 39,316

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
Telephone (513) 252-6719
Facsimile: (513) 241-4771
438493.2